

Appln. of: FORCILLO, John (deceased)
Serial No.: 10/609,320
Filed: June 30, 2003

Atty. Docket No. 2626-0003

REMARKS

First, the applicant expresses thanks for allowance of claims 11-15, 17 and 18 and for indicating that claims 20-25, 27-30 and 33-35 were only rejected for being dependant on a rejected base claim.

The Examiner rejected claim 9 on the basis of a believed non-statutory double patenting basis. Claim 9 has been cancelled and consequently the double patenting rejection has been mooted. Confirmation thereof is respectfully requested.

New claim 41 has been added and is a combination of old claim 19, including amendments correcting the §112 objections made thereto claim, and dependent claim 20. Claims 21-25 have had their dependency changed to depend from new claim 41 and these claims are believed to be in allowable condition.

Turning to the rejected claims, claims 16, 19-30, 32-35 and 37 were rejected under 35 USC§ 112 as being indefinite or depending from indefinite claims. The specific objections pointed out concerning claims 16, 19, 26, 32 and 37 have been corrected and are now believed to be definite and fully in compliance with 35 USC§ 112. Thus, all indefinite issues are believed to have been resolved. Approval of these corrections and withdrawal of the § 112 rejection is, therefore, respectfully requested.

Claims 31, 32 and 36-38 were rejected under 35 USC §102 over Swift. This rejection is traversed.

Claim 31 now requires that the entire tensioning mechanism be displaceable to release force on the friction member by compressing the biasing member.

In Swift, Fig. 2e the tensioning assembling includes a rod 17, a tensioning nut 84, the side panel 92, a lever 90, a pin that will fix the position of lever 90 relative to side panel 92 (the pin is not shown on lever 90 but extends rearwardly to interfit with holes 93-95, etc.), a spring 6 mounted to the bottom end of rod 17 and an acorn nut 96 fixed to the

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bottom end of spring 6. The acorn nut 96 lies between friction pad 18 and spring 6. However, tension is created by setting lever 90 in a position, within the pin engaged in one of the holes (93-95) in panel 92. Once lever 90 is in place, knob 86 on rod 17 is turned which action thereby compresses spring 6 and places an increasing load on friction pad 18 via acorn nut 96. There is no ability to pull rod 17 upwardly, and there is no biasing or resilient member against which any such upward force would be resisted. Indeed, no amount of pulling upwardly on knob 86 will affect spring 6 as the pin, secured in holes 93-96, on lever 90 will prevent that action. Lever 90 can be moved, when the pin is removed from a hole 93-95, but that action is not as claimed. In addition, claim 31 claims causing the release of braking force by the further compression of the biasing member. In Swift Fig. 2e the spring 6 would be uncompressed if lever 90 were moved to remove tension forces. This is the reverse of what is claimed.

Further, while lever 90 can have its position changed to change tension on the brake pad 18, the pin will have to be re-engaged with a new hole on side plate 92 to again establish a different load on friction pad 18.

Claim 31 also calls for the entire tensioning mechanism to be displaced as a consequence of the biasing member being further compressed. This is not possible in Swift Fig. 2e where spring 6 merely accommodates vibrations between acorn nut 96 and friction pad 18.

Thus, Swift contains no teaching of a biasing member that can be further compressed to thereby allow the whole tensioning mechanism to be displaced and thereby release the applied force or load on the friction member.

Claim 32 has been amended to refer to a knob on the top of the rod, and that the rod can be pulled upwardly to further compress a resilient member, already positioned on the rod above the rod's adjustment member, with such pulling upwardly serving to relieve at

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least a portion of the force on the flywheel. Swift discloses no such structure. In Figs. 2a and 2d in Swift both teach away from that concept. In Fig. 2d nut 258 is positioned above, not below, the spring 212 and will contact the frame preventing shaft 206 from being moved upwardly. In Fig 2a, the flange 116 will likewise hit the frame and prevent any upward movement. Further, spring 6 is also below nut 84. Fig. 2e has been discussed above and there will be no compression of spring 6 when any force on brake pad 18 is lessened.

Claim 37 now includes similar corrections and positions a resilient element between the frame and above the member thus permitting the rod to be movable upwardly against the resilient member to thereby release force on the friction pad. This structure is not shown in the art.

Consequently, claims 31, 32 and 37 are believed to distinguish from Swift and are believed to be in allowable condition, together with the claims depending there from. Notice to that effect is respectfully requested.

Claims 19, 24 and 26 were rejected under 35 USC § 103, in view of Chen. This rejection is also traversed. Claim 24 now depends from new claim 41 and is believed to be in allowable form. This leaves claims 19 and 26 to discuss.

Chen discloses an adjustable magnetic force system where a lever 242 is moved against a spring 244 via a rotating eccentric wheel 33 where the rotation of eccentric wheel 33 is controlled by motor 32 and a plurality of gears (not shown).

Claim 19 has been amended to call for the manual displacing of the force transmitting member against a biasing member to momentarily reduce the contact pressure of the friction pad against the fly wheel. Chen only describes his eccentric wheel 33 being driven by a motor 32. Thus, claim 19 distinguishes from Chen by calling for the manual and momentary displacement of the biasing member to release braking loads. That

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concept is not taught or disclosed by Chen. Further, Chen's spring 244 is stretched in order to reduce the effect of the magnets on the wheel 12, and the claimed invention calls for the biasing member to be elastically deformable so that it is further compressed, the reverse of what Chen is doing.

Claim 26 calls for a movable rod that is adjustable relative to a frame, as is permitted by its relationship to the member, and a biasing member located between the frame and member. This permits the rod to be pulled away from the flywheel, further compressing the biasing member yet reducing the contact pressure between the friction brake and flywheels. Here again, this is structure and movement not disclosed or taught by Chen.

Consequently, claims 19 and 26 are believed to distinguish from and are not obvious in view of Chen. Notice to that effect is respectfully requested.

In view of the above, it is respectfully submitted that claims 16, 19-38 and 41 are all in allowable condition. Since the remaining claims have been allowed it is respectfully submitted that this application is now in allowable condition and notice thereof is respectfully requested.

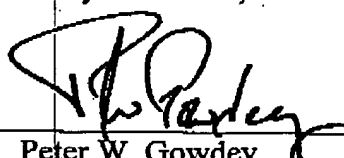
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